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60.137-242; 118-3004-U

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Knirk  
Serial No.: 10/796,708  
Filed: 3/9/2004  
Art Unit: 3751  
Examiner: Huynh, Khoa D.  
Title: **Wall Mounted Bathroom Support Bars With  
Integral Mounting Flange**

M/S AP  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Dear Sir:

The Examiner's Answer mailed February 27, 2006 raises some arguments which will be addressed in this concise Reply Brief.

**Arguments Under 35 U.S.C. §112**

The examiner maintains the argument the claims are indefinite. However, all that is required for a claim to be definite is that a worker in the art can understand the scope of the claim. In a situation such as this where the examiner is suggesting alternative language, surely he understands the intended scope of the claim. While the examiner might prefer the claim be written otherwise, the examiner is not given the pleasure of drafting appellant's claims.

Even so, as mentioned previously, should the art rejections in this application be reversed, appellant will certainly consider amending the claims.

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**Rejection Under 35 U.S.C. §103**

The examiner jumps over several points made in appellant's main brief with regard to why there is no proper suggestion to combine. It must be remembered that this is a relatively narrow art, and essentially a component involving only a few simple pieces.

The Sarkisian reference is a curtain rod. Curtain rods are covered by curtains. There would be no suggestion to include a cover. Further, the Sarkisian reference has two tabs, not three. These tabs would be mounted on window frame structure. It is not at all apparent that Sarkisian would want a third tab, as this third tab could potentially extend beyond the window frame.

In sum, and as better described in appellant's main brief, there is no proper suggestion to include a cover over the Sarkisian reference, and there is no proper suggestion to include a third tab.

That an invention may seem simple is not a proper test for obviousness. The references must suggest the combination, and here they do not.

**CLOSING**

For the reasons set forth above, and for the reasons set forth in the main brief, allowance of all claims is in order.

Respectfully submitted,




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Dated: April 26, 2006

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on April 26, 2006.

  
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Laura Combs